

1 Keith P. Bartel, Esq. (Bar No. 83223)
E-mail: kbartel@cmithlaw.com
2 Jeffrey R. Loew, Esq. (Bar No. 216808)
E-mail: jloew@cmithlaw.com
3 CARR, McCLELLAN, INGERSOLL, THOMPSON & HORN
Professional Law Corporation
4 216 Park Road
P.O. Box 513
5 Burlingame, California 94011-0513
Telephone: (650) 342-9600
6 Facsimile: (650) 342-7685

7 Attorneys for Defendant Trustee William H. Shea, Jr.

8 John G. Clark, Esq. (Bar No. 35584)
Law Offices of John G. Clark
9 1201 Howard Avenue, Suite 202
Burlingame, California 94010-4227
10 Telephone: (650) 685-6660
Facsimile: (650) 685-6664

11 Attorney for Defendant Trustee Diane R. Abraham

12 Daniel W. Maguire, Esq. (Bar No. 120002)
E-mail: dmaguire@bwsllaw.com
13 Keiko J. Kojima, Esq. (Bar No. 206595)
E-mail: kkojima@bwsllaw.com
14 Burke, Williams & Sorenson LLP
15 444 South Flower Street, Suite 2400
Los Angeles, CA 90071-2953
16 Phone (213) 236-0600
Fax (213) 236-2700

17 Attorneys for Plaintiff
18 The Guardian Insurance and Annuity Company, Inc.

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20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
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1 THE GUARDIAN LIFE INSURANCE
2 AND ANNUITY COMPANY, a
corporation,

3 Plaintiff,

4 vs.

5 CARLA M. UNTERMANN, an individual;
6 PHILLIP UNTERMANN, an individual;
7 BRENDA CAMILLI, an individual; LISA
8 CAMILLI, an individual; KATHLEEN
9 BUTLER CAMILLI, an individual;
10 RICHARD L. CAMILLI, an individual;
11 DOLPH F. CAMILLI, an individual;
12 DIANNE R. ABRAHAM, an individual;
13 DOUGLAS J. CAMILLI, an individual;
14 BRUCE P. CAMILLI, an individual;
15 SPCA OF SAN MATEO, California,
business entity, form unknown; DIANNE
R. ABRAHAM, as Successor Trustee of
the Dolph L. Camilli Bypass Trust;
WILLIAM H. SHEA, JR., as Successor
Trustee of the Gerda M. Camilli Survivor
Trust; CHRIS CAMILLI, an individual;
and Does 1 through 10, inclusive,

Defendants.

Case No. C-07-3557-CEB

Complaint Filed: July 10, 2006

STIPULATION AND [PROPOSED] ORDER
RE CONTINUANCE OF CASE
MANAGEMENT CONFERENCE,
EXTENSION OF TIME TO ACCOMPLISH
SERVICE ON DEFENDANTS, AND
EXTENSION OF TIME FOR DEFENDANTS
TO RESPOND TO COMPLAINT

Hon. Charles E. Breyer

16 The parties, through their counsel of record, request that the case management conference
17 set for October 19, 2007, be continued to May 9, 2008. The parties also request that the Court
18 issue an order extending the time for service of Plaintiff's complaint, which was filed on July 10,
19 2007, and extending the time for all defendants to respond to the complaint.

20 This is an interpleader action involving multiple defendants. Counsel for Trustees Mr.
21 Shea and Ms. Abraham has advised the Guardian Life Insurance Company (Guardian) that the
22 Trustees are attempting to contact and obtain stipulations from all other defendants that the order
23 issued by the Superior Court of San Mateo County, California, on November 17, 2006,
24 supersedes the beneficiary designations executed by decedent Gerda M. Camilli with regard to
25 the 1997 and 1999 Guardian annuity contracts. Such stipulations will most likely resolve the
26 issues underlying Guardian's complaint and request for declaratory judgment.

27 The Guardian is in the process of serving the defendants. To keep costs down, it has
28 requested that the defendants accept service by mail pursuant to Rule 4 of the Federal Rules of

1 Civil Procedure, but only a few defendants have responded. The Guardian is attempting to
2 confirm the contact information for the defendants who have not responded. In addition, two of
3 the defendants are located outside the United States (Switzerland and Germany). If they do not
4 accept service by mail, the Guardian may have to effect service through formal diplomatic
5 channel procedures. Accordingly, the Guardian requires additional time, at least another six
6 months, to locate and serve all of the defendants. The parties stipulate that the Guardian be
7 given an extension of time until April 15, 2008 to accomplish service on the defendants. The
8 parties further stipulate that Trustees Shea and Abraham accept service of the complaint, and that
9 the time for all defendants to respond to the complaint is extended to the latter of April 25, 2008
10 or the time prescribed in Rule 12 of the Federal Rules of Civil Procedure, for the reasons
11 described above. No other extensions have previously been requested.

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13 IT IS SO STIPULATED:

14 Dated: September 7, 2007

15 CARR, McCLELLAN, INGERSOLL, THOMPSON & HORN
16 Professional Law Corporation

17
18 By: /s/
19 Jeffrey R. Loew
20 Attorneys for Defendant Trustee
21 William H. Shea, Jr.
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1 Dated: September 7, 2007

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3 LAW OFFICES OF JOHN G. CLARK

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5 By: _____ /s/
6 John G. Clark
7 Attorney for Defendant Trustee
8 Diane R. Abraham

9 Dated: September 7, 2007

10 BURKE, WILLIAMS & SORENSON LLP

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12 By: _____ /s/
13 Keiko J. Kojima
14 Attorney for Plaintiff
15 The Guardian Insurance and Annuity Company, Inc.

16 I, Jeffrey R. Loew, hereby attest that John G. Clark, counsel for Defendant Trustee Diane
17 R. Abraham, and Keiko J. Kojima, counsel for Plaintiff, concur in the filing of this Stipulation.

18 Dated: September 7, 2007 By: _____ /s/
19 Jeffrey R. Loew

ORDER

IT IS ORDERED that the case management conference is continued from October 19, 2007, to May 9, 2008, at 8:30 a.m.

IT IS FURTHER ORDERED that the Guardian be given an extension of time until April 15, 2008 to accomplish service on the defendants;

IT IS FURTHER ORDERED that the time for all defendants to respond to the complaint is extended to the latter of April 25, 2008 or the time prescribed in Rule 12 of the Federal Rules of Civil Procedure.

Dated: _____

The Honorable Charles R. Breyer